REMARKS

Priority

The Office Action stated that this application was filed under former 37 C.F.R. § 1.60. However, the utility patent application transmittal sheet filed with this application clearly states that it was filed under 37 C.F.R. § 1.53(b) and that it is a divisional of prior application serial no. 08/838,217. Further, page 1 of the specification under the "Cross-Reference to Related Applications" heading states that the application is a divisional of U.S. patent application serial no. 08/838,217 filed April 3, 1997. The above amendment to the specification adds the patent number of prior application serial no. 08/838,217. Accordingly, Applicants believe that all necessary references to the prior application have been made and that the provisions of 35 U.S.C. § 120 and 37 C.F.R. § 1.78 have been satisfied. Accordingly, this objection is believed to be overcome.

Drawings

The Office Action stated that the application was filed with informal drawings. However, Applicants filed this application with formal drawings and the form PTO-948 attached to the Office Action indicates that the drawings were approved by the draftsperson. Accordingly,

it is respectfully requested that the requirement for formal drawings be removed.

§ 112, First Paragraph

Claims 29 - 31 and 72 - 74 were rejected under 35 U.S.C. § 112, first paragraph, because the Office Action stated that the specification is only enabling for a kettle hop flavor and does not reasonably provide enablement for a kettle hop essence and flavor. The Office Action further states that only those claims that are directed to the conversion of glycosides to aglycones are considered to produce a hop essence and flavorant. Applicants respectfully note that claims 29, 30, 72, and 73 are all directed to compositions in which at least some of the glycosides have been converted to aglycones. The specification clearly states throughout that aglycones are volatile and thus contribute to the "essence" of the composition (i.e., they can be smelled). Therefore, it is believed that this rejection is moot. If Applicants have misconstrued this rejection, the Examiner is invited to contact the undersigned attorney by telephone so that this rejection can be fully rectified.

§ 112, Second Paragraph

Claims 29 - 31 and 72 - 74 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for the use of the phrase "partially converted" and the phrase "a portion of free carbohydrates". Claims 29 and 72 have been amended to recite that "at least some of the glycosides are converted" in place of the objectionable language "partially converted". Support for this amendment can be found throughout the specification. Further, claim 72 was amended to recite "at least some free carbohydrate" in place of the objectionable language "a portion of free carbohydrates". Support for this amendment can be found throughout the specification. Lastly, the scope of the phrase "free carbohydrates" is clearly defined in the specification at page 10, lines 16-19; page 11, lines 10 - 11; page 13, lines 17 - 22; and page 14, lines 8 - 12. Thus, the specification makes it clear that free carbohydrates are simply those that are not bound to other complex molecules like aglycones.

§ 102 Rejection

Claims 29 - 31 and 72 - 74 were rejected under 35 U.S.C. § 102(b) as being anticipated by Vitzthum, et al. Amended claims 29 and 72 claim a purified and converted aqueous alcohol extract of hops. There is absolutely no teaching in Vitzthum to convert their water extract by

breaking the attachment of the sugar moiety to the aglycone molecule. Moreover, Vitzthum does not teach the purified kettle hop essence and flavor of the claimed invention wherein at least some of the free carbohydrates and inorganic salts are removed. Further, the compositions of Vitzthum would not be light stable as is now claimed because Vitzthum teaches that the aqueous extract is to be recombined with the extract containing α-acids. Thus, the compositions of Vitzthum contain significant amounts of α-acids (see the extracts in Tables 1 and 2 of Vitzthum). In this regard, α-acids are inherently and notoriously light unstable. The transitional language of claims 29 and 72 has now been amended to read "consisting essentially of" to exclude components like α-acids which are deleterious to light stability. Thus, it is now believed that claims 29, 30, 72, and 73 are allowable over the prior art.

CONCLUSION

In view of the amendments and remarks above, it is now believed that the application is in condition for allowance. However, the Examiner is invited to contact the undersigned attorney by telephone if doing so would expedite the allowance of this application.

No fee is believed necessary to enter the above amendment and response. However, if any fees are deemed

necessary, please charge Deposit Account No. 17-0055 accordingly.

Respectfully submitted,

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By: _____

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VERSION OF SPECIFICATION PARAGRAPHS SHOWING CHANGES

This application is a divisional of U.S. patent application Serial No. 08/838,217 filed April 3, 1997, now U.S. patent 5,972,411.

VERSION OF CLAIMS SHOWING CHANGES

29. (Amended) A light stable kettle hop essence and flavorant [comprising] consisting essentially of a purified and converted aqueous alcohol extract of hops which [has been] are purified [by] with respect to glycosides and then at least [partially] some of the glycosides are converted to aglycones by breaking the attachment of the sugar moiety to the aglycone molecule.

72. (Amended) A light stable kettle hop essence and flavorant [comprising] consisting essentially of a purified and converted aqueous alcohol extract of hops which [has been] are purified [by] with respect to glycosides by removing at least [a portion of] some free carbohydrates and inorganic salts and then at least [partially] some of the glycosides are converted to aglycones by breaking the attachment of the sugar moiety to the aglycone molecule.